

On February 22, 2019, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a

recommendation regarding the partial motion to dismiss. [Doc. 27]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service (plus three additional days if served by mail). Thus, any objections to the Memorandum and Recommendation were due on March 11, 2019. The Plaintiff filed Objections on March 12, 2019. [Doc. 28]. Despite the untimeliness of the Plaintiff's filing, the Court will nevertheless consider the merits of the Plaintiff's Objections.

After careful consideration of the Memorandum and Recommendation and the Plaintiff's Objections thereto, the Court finds that the Magistrate Judge's proposed conclusions of law are correct and consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the partial motion to dismiss should be granted.

IT IS, THEREFORE, ORDERED that the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 28] are **OVERRULED**; the Memorandum and Recommendation [Doc. 27] is **ACCEPTED**; and the Defendant's Partial Motion to Dismiss [Doc. 13] is **GRANTED** as follows:

- (1) Plaintiff's failure to promote claims as to the positions of Financial Administrative Assistant #1, Supervisory Program Specialist,

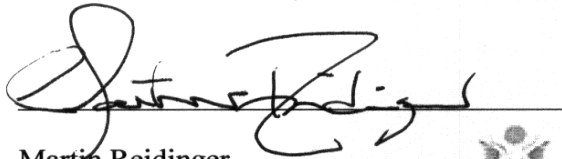
and Program Specialist are **DISMISSED WITHOUT PREJUDICE**; and

(2) Plaintiff's retaliation claim is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff's failure to promote claim with respect to the position of Financial Administrative Assistant #2 remains pending.

IT IS SO ORDERED.

Signed: March 14, 2019


Martin Reidinger
United States District Judge

